THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P. No.7989 of 1998

Date: 21.06.2007

Between:

G. Nageswara Rao … Petitioner

AND

State of Andhra Pradesh, represented by
its Principal Secretary to Government.
Education Department, Secretariat,
Saifabad, Hyderabad and others … Respondents

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O R D E R:

This writ petition is filed for a Writ of Mandamus declaring the proceedings dated 03.03.1998 of respondent No.2 in Rc.No.321/PC1-3/98 as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and para-9(4) of G.O.Ms.No.328 Education, dated 15.10.1997. The petitioner also sought for consequential direction for regularisation of his services as a Lecturer in Political Science with effect from the date of his first appointment with all consequential benefits.

At the time of hearing of the case, the learned Government Pleader, furnished to the Court a copy of the proceedings of the Director of Collegiate Education, A.P., Hyderabad in Rc.No.294/Admn.III-3/04, dated 14.06.2004, wherein it is mentioned as under:-

> "The Hon'ble A.P., High Court in its order dated:17.2.2004 in W.P.No.11449/1993 filed by Sri G. Nageswara Rao, Un-Aided Lecturer in Politics, SKBR College, Amalapuram, passed orders as under:
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> "While admitting the W.P. on 16.8.1993, this Court passed the interim orders in WPMP.No.14454/93 as under:
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> "the petitioner may appear for selection as Junior Lecturer pursuant to the advertisement Dt.4.8.1993 without prejudice to his claims. The case

of the petitioner shall be considered along with other eligible candidates. Pursuant to the said selection, no appointment orders shall be issued to the successful candidates, including the petitioner, pending further orders of the court."

Now it is more than 10 years. If the Respondents have already conducted any selections in pursuance to the advertisement Dt.4.8.1993 they are at liberty to proceed further. If they have not proceeded and the said advertisement has not been given effect, the Respondents are at liberty to fill up the vacancy in accordance with law by giving fresh notification, if so advised. However, it is made clear that if the petitioner is being continued as such during the pendency of this W.P. his claim shall be considered for regularisation of services as Junior Lecturer, if not already done by the Department as per law."

In pursuance of the above orders of the Hon'ble High Court and in the circumstances stated by the Correspondent, S.K.B.R.College, Amalapuram, in the reference 2nd read above, and after considering the case of the petitioner as per rules, the request of the petitioner for regularisation of his services as Junior Lecturer in Politics is not feasible of compliance on the following grounds.

1. In terms of G.O.Ms.No.1072 Education Dt.26.11.1976 the posts of Junior Lecturers then existing in composite Private Aided Colleges in the State were merged as Lecturers w.e.f. 1.4.1976. Therefore, the petitioner is not eligible for regularisation as Junior Lecturer in the absence of Junior Lecturer category posts in degree college.

2. He is not eligible for regularisation as Lecturer in Politics in Degree College since he is not qualified as he secured less than 55% of marks in his P.G. Degree.

Accordingly, the petitioner's claim for

Regularisation of his services in the cadre of J.L/ Lec. In Politics is hereby rejected.

The Correspondent, S.K.B.R. College, Amalapuram, is requested to inform the above position to the said incumbent.

From the above reproduced proceedings of the Director of Collegiate Education, it is clear that the earlier petition filed by the petitioner was disposed of and the petitioner's claim for his regularisation was rejected on two grounds including the ground, on which, the petitioner's regularisation was rejected under the impugned proceedings in this writ petition.

Since order of rejection was passed on 14.06.2004, and unless the said order is challenged by the petitioner, no relief can be granted to him in the present writ petition.

In view of the same, the writ petition is dismissed with liberty to the petitioner to challenge the proceedings dated 14.06.2004, if he is so advised. No order as to costs.

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C.V.NAGARJUNA REDDY,J.

Dated:21.06.2007
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